



PTO/SB/21 (03-03)  
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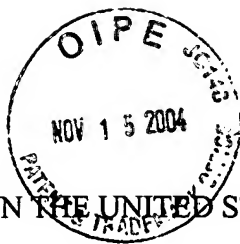
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/776,663	
	Filing Date	02/10/2004	
	First Named Inventor	Bret O. Baynham	
	Art Unit	3738	
	Examiner Name		
Total Number of Pages in This Submission	3	Attorney Docket Number	2380.004

ENCLOSURES (Check all that apply)		
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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual	Michael A. Slavin McHale & Slavin, P.A.	
Signature		
Date	11/09/04	

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Bret O. Baynham, et al.  
INVENTION: : SPINAL FUSION DEVICE  
SERIAL NUMBER : 10/776,663  
FILING DATE : February 10, 2004  
EXAMINER: :  
GROUP ART UNIT : 3738  
ATTORNEY DOCKET NO. : 2380.004

CERTIFICATE UNDER 37 CFR §1.8(a)  
I hereby certify that this correspondence is being deposited with  
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of these references. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

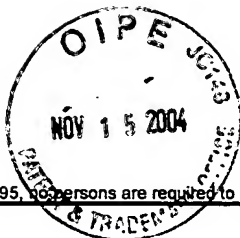
Date:

11/08/04

Respectfully Submitted,



Michael A. Slavin  
Reg. No. 34,016  
McHale & Slavin, P.A.  
2855 PGA Boulevard  
Palm Beach Gardens, FL 33410  
Telephone: (561) 625-6575  
Telefax: (561) 625-6572  
e-mail: [palmbeach@mspatents.com](mailto:palmbeach@mspatents.com)



PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/776,663
Filing Date	02/10/2004
First Named Inventor	Bret Baynham et al.
Art Unit	3738
Examiner Name	
Attorney Docket Number	2380.004

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 2004/0087947	05/06/2004	R. Lim et al.	
		US- 5,609,635	03/11/1997	G. Michelson	
		US- 5,658,335	08/19/1997	R. Allen	
		US- 5,865,848	02/02/1999	G. Baker	
		US- 6,015,436	01/18/2000	H. Schonhoffer	
		US- 6,120,506	09/19/2000	D. Kohrs et al.	
		US- 6,562,074	05/13/2003	D. Gerbec et al.	
		US- 6,706,070	03/16/2004	E. Wagner et al.	
		US- 6,733,535	05/11/2004	G. Michelson	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>9</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>9</sup> Applicant is to place a check mark here if English language Translation is attached.

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